



David Hoffmann  
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03/04/02 02:03 PM

To: Susan Prout/R5/USEPA/US@EPA  
cc:  
Subject: RE: Master Metals Order



Susan, I have a couple of comments to the latest draft of the AOC. Page 14, Paragraph 58, I suggest the following change to the 4th sentence for clarification: "As such, the Prospective Purchasers' only obligation under Section IV of this Administrative Order is to perform operation and maintenance pursuant to Section V." [Delete underline and insert underline/italics]. Also, under Article V, Paragraph 2, on page 17, what happens if Limited Respondents do not purchase the property within 60 days? I thought we were going to assume that Limited Respondents will acquire property. Finally, in the PPA between NOLTCO/Bredt-Zanick, there is a provision that allows my clients to transfer the rights and obligations of the PPA, including the obligation to perform O&M, to a third-party transferee. As it turns out, the City has a re-entry provision in our purchase agreement that allows the City to re-enter and take the property back on certain default conditions. The City has agreed to assume O&M if that happens. I would like this AOC to reflect Limited Respondents ability to transfer those obligations, because it appears clear that Respondents cannot transfer their obligations in Article II.

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-----Original Message-----

From: Prout.Susan@epamail.epa.gov [<mailto:Prout.Susan@epamail.epa.gov>]  
Sent: Monday, March 04, 2002 11:50 AM  
To: Dennis Reis; marcus@highlandenvironmental.com; hoffmann@mdhl.net;  
Massenburg.Gwendolyn@epamail.epa.gov; sheila.abraham@epa.state.oh.us  
Subject: Master Metals Order

Attached are a redlined version and a clean copy of the Master Metals Order. Please review the documents and let me know if you have any questions or comments. I will send out a hard copy of the document at the end of the week for signature.

Susan Prout  
Associate Regional Counsel  
U.S. EPA  
(312) 353-1029

(See attached file: AOC Draft March 3 redline.wpd)(See attached file: AOC Draft March 3.wpd)